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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,466	09/26/2003	Perry Harley Beaumont		9716
37163	7590	12/10/2007		
PERRY H. BEAUMONT 845 N. SALEM RD. RIDGEFIELD, CT 06877				
EXAMINER				
SHAIKH, MOHAMMAD Z				
ART UNIT		PAPER NUMBER		
4172				
MAIL DATE		DELIVERY MODE		
12/10/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/672,466

**Applicant(s)**

BEAUMONT, PERRY HARLEY

**Examiner**

MOHAMMAD Z. SHAIKH

**Art Unit**

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections 35 U.S.C § 112 2<sup>nd</sup> paragraph***

The following is a quotation of 35 U.S.C 112 2<sup>nd</sup> paragraph:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

1. Regarding claims 9-10, the variables E[X target] & E [X comparative] need to be specifically defined in the specification before the claims can be examined.

Regarding claims 12-13 the variables x, k and t need to be specifically defined in the specification before the claims can be examined.

Regarding claim 24, the variable X<sub>j</sub> needs to be specifically defined in the Specifications before the claims can be examined.

Regarding claim 26, which references EQU1 and EQU4, which are part of claims 9 & 24, these claims need to be corrected before they can be examined.

Regarding claim 36, the variables E[X target] & E [X comparative] need to be specifically defined in the specification before the claims can be examined.

Regarding claim 37, which references EQU1 which is a part of claim 9, this claim needs to be corrected before it can be examined.

Regarding claims 39&40, the variables x,k and t need to be specifically defined in the specification before the claims can be examined.

Regarding claim 53, the variable X<sub>j</sub> needs to be specifically defined in the specifications before the claims can be examined.

Regarding claim 55, which references EQU1 and EQU4, which are part of claims

9 & 24, these claims need to be corrected before they can be examined.

***Claim Rejections- 35 U.S.C § 103***

2. The following is a quotation of 35 U.S.C 103(a) that forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 1-6,8,11,14-23,27-33,35,38,41-52,56 are being rejected under 35 U.S.C 103(a) as being unpatentable over U.S. Patent 5,999,918 to Williams et al, herein referred to as Williams, in view of United States Patent 5,884,287 to Edesses.

Regarding claim 1, Williams discloses a computer implemented system for aggregating and segmenting probabilistic distributions in real time comprising the steps of: an input device for creating a target profile from the input of one or more users using stated preferences or expectations relative to data about which probabilistic distributions exist (column 19, lines 34-36); a computer program for simulating the future behavior of the target profile or comparative profiles with historical data (column 19, lines 37-38). However Williams does not disclose a second computer program for identifying substitute profiles that match or improve upon the target profile or comparative profiles;; a fourth computer program for codifying any discrepancies between a target profile and comparative profiles; a fifth computer program for sensing and tracking single or multiple probabilistic distributions; a sixth computer program for sensing and tracking

multiple segments of a single aggregate probabilistic distribution; and a display for generating results in a continual manner so that immediate feedback is displayed to the user as a discrepancy indicator. Edesses discloses a second computer program for identifying substitute profiles that match or improve upon the target profile or comparative profiles (Fig 2: 70). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include a second computer program for identifying substitute profiles that match or improve upon the target profile or comparative profiles. One of ordinary skill in the art would have been motivated to include a second computer program for identifying substitute profiles that match or improve upon the target profile or comparative profiles in order to ensure that the best possible mix of securities are available as the target or comparative profile. Williams further discloses a third computer program for modifying a target profile or comparative profiles by selectively adding, eliminating, or changing particular probabilistic distribution characteristics in response to user-defined parameters or movements of an interactive user operated control (column 4, lines 31-37, column 9: lines 39-41). Edesses discloses a fourth computer program for codifying any discrepancies between a target profile and comparative profiles (column 7, lines 5-14). Therefore it would have been obvious to one of ordinary skill in the art to modify William's invention to include a fourth computer program for codifying any discrepancies between a target profile and comparative profiles. One of ordinary skill in the art would have been motivated to include a fourth computer program for codifying any discrepancies between a target profile and comparative profiles in order to ensure that

the correct data in the respective profiles are updated. Edesses discloses a sixth computer program for sensing and tracking multiple segments of a single aggregate probabilistic distribution; and a display for generating results in a continual manner so that immediate feedback is displayed to the user as a discrepancy indicator (column 7: lines 29-41). Therefore it would have been obvious to one of ordinary skill in the art to have modified William's invention to include a sixth computer program for sensing and tracking multiple segments of a single aggregate probabilistic distribution; and a display for generating results in a continual manner so that immediate feedback is displayed to the user as a discrepancy indicator. One of ordinary skill in the art would have been motivated to include a sixth computer program for sensing and tracking multiple segments of a single aggregate probabilistic distribution; and a display for generating results in a continual manner so that immediate feedback is displayed to the user as a discrepancy indicator in order to ensure that the users can view the probabilistic distribution analysis and make the appropriate changes in their portfolio.

Regarding claim 2, Williams discloses the system according to claim 1. Williams further discloses wherein said profiles are comprised as a set of securities (Fig 1K: 105).

Regarding claim 3, Williams discloses the system according to claim 1. Williams further discloses wherein said profiles are comprised of a market index (Column 16, liners 6-8).

Regarding claim 4, Williams discloses the system according to claim 1. Williams further discloses wherein said profiles are comprised of a proprietary index (column 16, lines 6-10).

Regarding claim 5, Williams discloses the system according to claim 1. Williams further discloses wherein said profiles are an amalgamation of securities, market indexes, or proprietary indexes (Fig 1K; column 16: lines 6-10).

Regarding claim 6, Williams discloses the system according to claim 1. Williams further discloses wherein said parameters include tax considerations (column 9: line 17).

Regarding claim 8, Williams discloses the system according to claim 1. Williams further discloses wherein said parameters include derivative products or strategies (column 15, lines 19-21).

Regarding claim 11, Williams discloses the system of claim 1. Williams further discloses the system of claim 1, wherein the step of codifying any discrepancies between a target profile and a comparative profile so that immediate feedback is displayed in response to movements of said interactive user operated control, further comprises the step of using said interactive user operated control as an input specifier and an output display (column 11, lines 1-9).

Regarding claims 14, Williams discloses the system of claim 9. Williams further discloses further comprising the step of using said interactive user operated control to achieve alternative results that match or improve upon the target profile (column 11, lines 44-53).

Regarding claim 15, Williams discloses the system of claim 14. Williams further discloses further comprising the step of using said interactive user operated control to achieve alternative results that differ from or are something less than the target profile (column 11, lines 44-53).

Regarding claims 16-17 Williams discloses the system of claim 14. Williams further discloses further comprising the step of using said interactive user operated control to achieve a result over a specified investment horizon and managed for a set of personal financial data (column 11, lines 28-33).

Regarding claim 18, Williams discloses the system of claim 1. However Williams does not disclose further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. Edesses discloses further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile (column 8, lines 37-43). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. One of ordinary skill in the art would have been motivated to include the time of the invention to modify William's invention to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. One of ordinary skill in the art would have been motivated to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile



and a comparative profile in order to ensure that the users can view and interpret their profiles and make an educated decision when modifying their portfolio. Williams further discloses interactive user operated control (Abstract, lines 8-10).

Regarding claims 19-20, Williams discloses the system of claim 18. Williams further discloses further comprising the step of associating a first graphical user interface element to represent the target profile and a second graphical user interface element to represent the comparative profile (column 8: lines 20-23,41-43).

Regarding claim 21, Williams discloses the system of claim 18. Williams further discloses further comprising the step of associating colors with a graphical interface element to represent subjective comfort levels (column 20, lines 30-33).

Regarding claim 22, Williams discloses the system of claim 18. Williams further discloses further comprising the step of computing and displaying discrepancies in real time as the user manipulates the data (column 20, lines 43-45).

Regarding claim 23, Williams discloses the system of claim 1. Williams further discloses wherein said probabilistic distributions relate to combining expert financial expectations on the expected performance of a particular stock or other financial or economic variable interest (column 8, lines 24-39).

Regarding claim 27, Williams discloses the system according to claim 1. Williams further discloses wherein said probabilistic distributions relate to contributory factors affecting the aggregate variability of differences between a carrier's (transporter of people or goods) actual and target arrival times (column 16, lines 41-49).

Regarding claim 28, Williams discloses a computer implemented method for aggregating and segmenting probabilistic distributions in real time comprising the steps of: creating a target profile from the input of one or more users using stated preferences or expectations relative to data about which probabilistic distributions exist (column 19, lines 34-36); simulating the future behavior of the target profile or comparative profiles with historical data (column 19, lines 37-38). However Williams does not disclose identifying substitute profiles that match or improve upon the target profile and codifying any discrepancies between a target profile and comparative profiles. Edessa's discloses identifying substitute profiles that match or improve upon the target profile or comparative profiles (Fig 2: 70). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include identifying substitute profiles that match or improve upon the target profile or comparative profiles. One of ordinary skill in the art would have been motivated to include identifying substitute profiles that match or improve upon the target profile or comparative profiles in order to ensure that the best possible mix of securities are available as the target or comparative profile. Williams further discloses modifying a target profile or comparative profiles by selectively adding, eliminating, or changing particular probabilistic distribution characteristics in response to user-defined parameters or movements of an interactive user operated control (column 4, lines 31-37, column 9: lines 39-41). Williams does not disclose codifying any discrepancies between a target profile and comparative profiles. Edesses discloses codifying any discrepancies between a target profile and comparative profiles (column 7, lines 5-14).

Therefore it would have been obvious to one of ordinary skill in the art to modify William's invention to include codifying any discrepancies between a target profile and comparative profiles. One of ordinary skill in the art would have been motivated to codify any discrepancies between a target profile and comparative profiles in order to ensure that the correct data in the respective profiles are updated.

Regarding claim 29, Williams discloses the method according to claim 28. Williams further discloses wherein said profiles are comprised as a set of securities (Fig 1K: 105).

Regarding claim 30, Williams discloses the method according to claim 28. Williams further discloses wherein said profiles are comprised of a market index (Column 16, liners 6-8).

Regarding claim 31, William discloses the method according to claim 28. Williams further discloses wherein said profiles are comprised of a proprietary index (column 16, lines 6-10).

Regarding claim 32, Williams discloses the method according to claim 28. Williams further discloses wherein said profiles are an amalgamation of securities, market indexes, or proprietary indexes (Fig 1K; column 16: lines 6-10).

Regarding claim 33, William discloses the method according to claim 28. Williams further discloses wherein said parameters include tax considerations (column 9: line 17).

Regarding claim 35, Williams discloses the method according to claim 28.

Williams further discloses wherein said parameters include derivative products or strategies (column 15, lines 19-21).

Regarding claim 38, Williams discloses the method of claim 28. Williams further discloses the system of claim 1, wherein the step of codifying any discrepancies between a target profile and a comparative profile so that immediate feedback is displayed in response to movements of said interactive user operated control, further comprises the step of using said interactive user operated control as an input specifier and an output display (column 11, lines 1-9).

Regarding claim 41, Williams discloses the method of claim 36. Williams further discloses further comprising the step of using said interactive user operated control to achieve alternative results that match or improve upon the target profile (column 11, lines 44-53).

Regarding claim 42, Williams discloses the method of claim 41. Williams further discloses further comprising the step of using said interactive user operated control to achieve alternative results that differ from or are something less than the target profile (column 11, lines 44-53).

Regarding claims 43-44, Williams discloses the method of claim 41. Williams further discloses further comprising the step of using said interactive user operated control to achieve a result over a specified investment horizon and managed for a set of personal financial data (column 11, lines 28-33).

Regarding claim 45, Williams discloses the method of claim 28. However Williams does not disclose further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. Edesses discloses further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile (column 8, lines 37-43). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. One of ordinary skill in the art would have been motivated to include the time of the invention to modify William's invention to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile. One of ordinary skill in the art would have been motivated to include further comprising the step of using graphical user interface elements to represent discrepancies between a target profile and a comparative profile in order to ensure that the users can view and interpret their profiles and make an educated decision when modifying their portfolio. Williams further discloses interactive user operated control (Abstract, lines 8-10).

Regarding claims 46&47, Williams discloses the method of claim 45. Williams further discloses further comprising the step of associating a first graphical user interface element to represent the target profile and a second graphical user interface element to represent the comparative profile (column 8: lines 20-23,41-43).

Regarding claim 48, Williams discloses the method of claim 45. Williams further discloses further comprising the step of associating colors with a graphical interface element to represent subjective comfort levels (column 20, lines 30-33).

Regarding claim 49, Williams discloses the method of claim 45. Williams further discloses further comprising the step of computing and displaying discrepancies in real time as the user manipulates the data (column 20, lines 43-45).

Regarding claim 50, Williams discloses the method of claim 28. Williams further discloses wherein said parameters may be used in conjunction with a linear programming tool to create comparative portfolios (column 19, lines 11-20).

Regarding claim 56, Williams discloses the method of claim 28. Williams further discloses wherein said probabilistic distributions relate to contributory factors affecting the aggregate variability of differences between a carrier's (transporter of people or goods) actual and target arrival times (column 16, lines 41-49).

4. Claims 7,34 are being rejected under 35 U.S.C 103 (a) over Williams in view of Edesses and further in view of US 2002/0169702 to Eaton Jr et al, herein referred to as Eaton Jr.

Regarding claim 7, Williams discloses the system according to claim 1. However Williams does not disclose wherein said parameters include regulatory or compliance considerations. Eaton Jr, discloses wherein said parameters include regulatory or compliance considerations (paragraph 0073). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to

include a feature wherein said parameters include regulatory or compliance considerations. One of ordinary skill in the art would have been motivated to include a feature wherein said parameters include regulatory or compliance considerations in order to ensure that in the future the user has no legal issues with their portfolio.

Regarding claim 34, Williams discloses the system of claim 28. However Williams does not disclose wherein said parameters include regulatory or compliance considerations. Eaton Jr, discloses wherein said parameters include regulatory or compliance considerations (paragraph 0073). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include a feature wherein said parameters include regulatory or compliance considerations. One of ordinary skill in the art would have been motivated to include a feature wherein said parameters include regulatory or compliance considerations in order to ensure that in the future the user has no legal issues with their portfolio.

5. Claims 25, 54 are being rejected under 35 U.S.C 103 (a) as being unpatentable over Williams in view of Edesses and further in view of US 2003/0088365 to Becker.

Regarding claim 25, Williams discloses the system of claim 1. However Williams does not disclose wherein said probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure. Becker discloses wherein said probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure (paragraphs: 26, 27). Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify William's invention to include probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure. One of ordinary skill in the art would have been motivated to include probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure in order to allow individuals in other fields to use the invention.

Regarding claim 54, Williams discloses the method according to claim 28. However Williams does not disclose wherein said probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure. Becker discloses wherein said probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure (paragraphs: 26, 27). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify William's invention to include probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure. One of ordinary skill in the art would have been motivated to include probabilistic distributions relate to combining expert medical opinions on the expected outcome of a particular drug or procedure in order to allow individuals in other fields to use the invention.



***Allowable Subject Matter***

6. Claims 9-10,12-13,24,26,36-37,39-40,53,55 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/  
Primary Examiner, Art Unit 4172

Mohammad Z Shaikh  
Examiner  
Art Unit 4172

/Mohammad Z Shaikh/